

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD  
ON WEDNESDAY, JUNE 9, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.**

**MAYOR:** Louie A. Trujillo

**COUNCILORS:** David G. Romero  
Elaine Rodriguez  
Michael L. Montoya  
David A. Ulibarri, Jr.

**ALSO PRESENT:** William Taylor, City Manager  
Casandra Fresquez, City Clerk  
Scott Aaron, City Attorney  
Eric Padilla, Sergeant at Arms

**CALL TO ORDER**

Mayor Trujillo called the meeting to order at 5:30 pm.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Mayor Trujillo asked for a moment of silence for the passing of former Councilman Carlos Gallegos and condolences to his family.

Councilor Romero asked for a moment of silence for the passing of Ben Trujillo.

## **APPROVAL OF AGENDA**

Councilor Montoya made a motion to approve the agenda as presented including corrections to ordinances 21-14 and 21-13. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	David A. Ulibarri Jr.	Yes
Michael L. Montoya	Yes	Elaine Rodriquez	Yes

City Clerk Fresquez advised the motion carried.

## **NOMINATION OF MAYOR PRO-TEM**

Mayor Trujillo opened up the floor to any nominations.

Councilor Rodriquez nominated Councilor David Romero.

No other nominations were given.

Councilor Rodriquez made a motion to approve the nomination of Mayor Pro-Tem to Councilor Romero. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes
Michael L. Montoya	Yes		

City Clerk Fresquez advised the motion carried.

Mayor Trujillo advised Councilor Romero had done an excellent job.

## **PUBLIC INPUT**

City Clerk Fresquez read public input from the following:

Lee Einer regarding his opposition to ordinance 21-14.

Diane Luna regarding her support of the scooter go business by promoting activity for the citizens.

Susie Tsyitee from Las Vegas Arts Council regarding her support of the scooter business.

Corinna Laszlo-Henry regarding her opposition to ordinance 21-14.

### **MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS**

City Manager Taylor introduced Kate Shoemaker on behalf of Bird Rides.

Kate Shoemaker voiced concerns regarding wording in ordinance 21-14.

Mayor Trujillo introduced Akari from the Animal Shelter who is up for adoption.

Mayor Trujillo spoke about his meetings with the Rotary Club and Kiwanis and also regarding a mural that will be on the new Welcome to Las Vegas sign.

### **COUNCILOR'S REPORTS**

Councilor Romero spoke about Help NM helping the City with 35 youth employees and a Community meeting with the Samaritan House regarding issues arising at Lincoln Park.

### **POLICE CHIEF'S REPORT**

Major Eric Padilla gave a presentation regarding the statistics for the Month of May for calls of service, narcotics collected and traffic citations issued. Major Padilla advised five Police Officers were sent to attend a major vehicle theft investigation training in Albuquerque. Major Padilla mentioned there were new hires within the Police Department. Major Padilla spoke about the flock camera system, speed operations/loud exhausts and ten vehicles installed with a track system.

Councilor Rodriguez asked if they did a public announcement regarding the cameras that were placed around town.

Councilor Romero asked for traffic stop data regarding speeding on South Pacific, North Gonzales and Delgado.

Councilor Montoya advised he had requested the Chief give them a copy of his report in their packet, asked how successful the camera systems have been, possibly relocating a camera by Lincoln Park and the preparation of Fourth of July events.

Discussion took place regarding the camera systems and preparation regarding the Fourth of July events.

Councilor Ulibarri Jr., asked for officers to patrol around Rodriguez Park during Little League games.

### **APPROVAL OF MINUTES**

Councilor Romero made a motion to approve the minutes for May 12th, May 19th and May 26, 2021 minutes. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

### **BUSINESS ITEMS**

1. Presentation by AVI SPL, a digital workplace services provider and Request approval of one of two proposals to upgrade the audiovisual technology in the City Council Chambers and enter into contract with AVI SPL LLC.

I.T. Manager Kenny Roybal along with Glen Martinez and Adam Babb with AVI gave a lengthy presentation regarding two options to upgrade the audiovisual equipment in the Council chambers.

Discussion and questions took place regarding wireless speakers, if there is software available, recommendation for an RFP process and the cost of both options.



Mayor Trujillo advised they were not ready at this time to approve one of the proposals.

2. Charter Commission update on the Municipal Charter review. Direction from the Governing Body to the Charter Commission members.

Councilor Montoya advised he wanted both the Governing Body and the Charter Commission to be on the same page and give direction as to what needs to be done.

Charter Commission Chairman Francisco Apodaca and Commissioner Greg Salazar gave a brief discussion regarding where the Charter Commission was at with their review of the City Charter and wanted to hear from the Council regarding their recommendations. Chairman Apodaca requested a budget for outside legal counsel and requested the appointment of an additional member to their Commission.

Discussion took place regarding the option of a joint meeting or individual meeting with each member of the Governing Body on June 22nd and June 29th.

Councilor Montoya recommended looking at funding for legal counsel for the Charter Commission.

Discussion took place regarding a professional services contract with the Municipal League.

Mayor Trujillo asked City Attorney Aaron if he would guide them with the professional services contract.

City Attorney Aaron advised that with Mayor's direction he would.

Conduct a Public Hearing for Business Items 3 and 4.

Councilor Romero made a motion to enter into Public Hearing to discuss business items 3 and 4. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Elaine Rodriquez	Yes
David A. Ulibarri Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

City Clerk Fresquez swore in City Attorney Aaron and Community Development Director Hendrickson. City Attorney Aaron swore in City Clerk Fresquez.

City Clerk Fresquez read public comment for Item 3 into the record as follows:

Lee Einer

The hard truth about our society is that government doesn't always do what it is tasked with doing, and government and its officials and employees will sometimes openly refuse to do that which, by law, is their job. Then what next?

It is in fact so common that we have developed legal tools simply to compel government and its actors to do what they must do but refuse to do. Writs of mandamus are a good example, as are Qui Tam suits.

I am a two-time qui tam relator against Medicare and Medicaid fraud. Now, you would think that when it's the government being ripped off, government would be quick to act, but I worked for twenty years in medical reimbursement and I learned the hard way that a qui tam, which is basically a private citizen suing in the government's name, was often the only way to compel government action against a fraudulent scheme even when damages numbered in the millions of dollars. I had to learn how to force government to do what it did not want to do.

My partner lives adjacent to a home that burned roughly five years ago. The burnt-out home next door to her is a mess. The roof is mostly gone, it's a haven for pigeons, the furniture that was dragged out of the home during the fire is still right where they dragged it, in a pile, rotting in the elements and providing cover for rodents, skunks and who knows what. Other refuse littering the yard is now catching rainwater and breeding mosquitos. The brick chimneys are slowly falling apart and dropping to the ground, pieces of the corrugated steel roof occasionally come off in the wind and are a hazard during their descent. And this has been going on for FIVE YEARS!

Last week, my partner and I tried to utilize the provision of 301-11 to file verified complaint in the City's name at Las Vegas Municipal Court. The clerks refused to accept the complaint, and also refused to give any sort of written denial of the complaint, effectively circumventing the ordinance and cheating us out of due process. I presented them with a copy of the ordinance. It made no difference.

Once again the government, refusing to do that which by law they must do. The court clerk's duty here is ministerial, they don't get to pick and choose which filings they accept. But if they do refuse, then what next? And your City Attorney says they never see a complaint at Municipal Court. Yeah, I can see why. Others who have sought to exercise this right at Muncipal Court likely got similar treatment. I filed a complaint with the Judicial Standards Commission.

This property I am talking about was red-tagged twice in 2020. Legal action was threatened by the city, but that threat was made several months ago and no legal action has been initiated. Is this another case of government refusing to do its job?

City residents need to be able to compel the city to do its job when it doesn't want to do its job, and we can see the pushback against that. Bill Hendrickson doesn't want us to have that power, Scott Aaron doesn't want us to have that power, and they are so adamant about Las Vegas residents not having that power that this is the third time they have come before you to try to take that power away from us. Why? Particularly, if, as they claim, nobody makes use of it?

Could I take this matter to District Court and file a qui tam complaint there? I could. I have already spoken with the AG's office about this, and was told that I would need legal representation.

I am on a fixed income. I am not likely going to be hiring a lawyer to force the city to do what it should already be doing. Forcing people to hire an attorney or walk away basically makes justice a privilege of the wealthy.



Now, I know you have heard scare-mongering about what if somebody files a complaint in the City's name and the complaint is frivolous or for some other reason there is legitimate reason for it not to go forward.

Tell you what. The judge can dismiss it. The City Attorney can request dismissal. They don't even need much of a reason to do so. 301-11 is not much as far as cudgels go, actually it's pretty weak, but it can be done pro se and it's what most of us in this community can afford. And this is in part what municipal court is for, providing a venue for minor complaints with simple resolutions that don't require lawyering up.

So, I guess this is an odd request, but I need you to stand with me, and protect my right to make you do what you don't want to do. Can you do that?

### **3. Adoption of Ordinance No. 21-04, An Ordinance to amend the Code of the City of Las Vegas by amending Section 200-40 and Section 301-11, entitled "Alternative Method of abatement".**

Community Development Director Hendrickson and City Attorney Aaron spoke about business item 3 regarding amending the Code entitled "alternative method of abatement" and it being brought back due to a typographical error.

Councilor Montoya asked about the status of the property mentioned in the public comment.

City Attorney Aaron stated that the property discussed in the public comment is being addressed and he was unable to give further detail.

Councilor Rodriguez asked for the citizens' concerns to be addressed.

City Attorney Aaron briefly went over the concerns of the citizen regarding the amendment.

### **4. Adoption of Ordinance No. 21-12 Amending the Code of the City of Las Vegas Section 389-6 entitled "Exemptions". This ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City's home rule powers.**

Community Development Director Hendrickson spoke about amending the Code entitled "exemptions" and the removal of paragraph G, allowing one or more bedrooms would be taxable.

Councilor Romero made a motion to exit Public Hearing and return to regular session. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Elaine Rodriquez	Yes
David A. Ulibarri Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

3. Adoption of Ordinance No. 21-04, An Ordinance to amend the Code of the City of Las Vegas by amending Section 200-40 and Section 301-11, entitled "Alternative Method of abatement".

Councilor Rodriquez made a motion to approve the adoption of Ordinance No. 21-04. Councilor Ulibarri Jr., seconded the motion.

Ordinance 21-04 was presented as follows:

**CITY OF LAS VEGAS, NEW MEXICO**

**Ordinance No. 21-04**

**AN ORDINANCE TO AMEND** the Code of the City of Las Vegas by amending additional method of abatement in Sections 200-40 and 301-11. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City's home rule powers.

**BE IT ENACTED** by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas, Section 200-40, and Section 301-11 are hereby amended to read as follows:

Additional method of abatement.

A. Except as otherwise provided in this Section, an action filed in court for abatement shall be governed by the New Mexico Rules of Civil Procedure.

B. A civil action to abate a public nuisance may be brought in any court of competent jurisdiction against any person or entity who creates, performs, enables or maintains a public nuisance.

C. For cases in the City's Municipal Court, a lien against real estate may be foreclosed in the same manner that mortgages or other liens against real estate are foreclosed with like rights of redemption. A lien against personal property may be foreclosed in the same manner security interests are foreclosed. At the trial of any case foreclosing any lien, the recitals of the lien or other evidence of indebtedness shall be received in evidence as prima facie true. In the foreclosure of any lien created by municipal ordinance or under authority of law, a reasonable attorney's fee shall be granted by the court as part of the reasonable costs of the case.

D. The City may file a criminal complaint for public nuisance in the appropriate court as provided by New Mexico law.



E. Pursuant to NMSA 30-8-8(B), as it may be amended, a civil action to abate a public nuisance may be brought, by verified complaint in the name of the state without cost, by any public officer or private citizen, in the district court of the county where the public nuisance exists, against any person, corporation or association of persons who shall create, perform or maintain a public nuisance.

Section 2. Full Force and Effect. Except as specifically amended above, Section 20-13 shall remain in full force and effect.

Section 3. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 4. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this \_\_\_\_ day of June, 2021.

\_\_\_\_\_  
Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

\_\_\_\_\_  
Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

4. Adoption of Ordinance No. 21-12 Amending the Code of the City of Las Vegas Section 389-6 entitled "Exemptions". This ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City's home rule powers.

Councilor Montoya made a motion to approve the adoption of Ordinance No. 21-12. Councilor Rodriquez seconded the motion.

Ordinance 21-12 was presented as follows:

**CITY OF LAS VEGAS, NEW MEXICO**

**Ordinance No. 21-12**

**AN ORDINANCE TO AMEND** the Code of the City of Las Vegas by amending Section 389-6(G), entitled "Exemptions". This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City's home rule powers.

**BE IT ENACTED** by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas, Section 389-6(G) is hereby deleted in its entirety.

Section 2. Full Force and Effect. Except as specifically amended above, Section 389-6(A) through 389-6(F) shall remain in full force and effect.

Section 3. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 4. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this            day of            , 2021.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri Jr.	Yes	Elaine Rodriquez	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

5. Request approval to Publish Ordinance No. 21-13 an ordinance to amend the Code of the City of Las Vegas by **adding** a new Chapter 22, entitled “Finance and Budget Code Ordinance”.

City Attorney Aaron advised the amendment to the Code would allow for local preference in the procurement code.

Discussion and questions took place regarding if this would be in violation of state procurement and if this was on a point system or dollar amount.

Councilor Montoya made a motion to approve the publication of Ordinance No. 21-13. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	Michael L. Montoya	Yes
David A. Ulibarri Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

Councilor Rodriquez requested a five minute break. All were in favor.

6. Request approval to Publish Ordinance 21-14 an ordinance to amend the Code of the City of Las Vegas by repealing the existing Article VIII “Operation of Bicycles” and replacing it with a new Article VIII entitled “Operation of Bicycles and Play Vehicles”.

A lengthy discussion took place regarding restrictive parking on private and public property and how the scooters could benefit college students

Councilor Romero advised the ordinance wasn’t created out of nowhere and they shared different ordinances from different places with City Attorney Aaron.

Councilor Romero advised the language for the parking of 50 yards away from a liquor establishment meant not having a deployment zone in those areas and also advised Bird would need to get permission from NMDOT to use roads like Grand Ave., Mills Ave., and 7th Street.

Councilor Montoya advised his concerns were the state roads, the safety of the public traveling around the community, and issues with parking in front of businesses.

Discussion took place regarding signage with rules to be placed around the community, the possibility of some business owners not wanting scooters parked in front of their businesses and pick up times.



Kate Shoemaker with Bird advised she had issues with the parking stated in the ordinance and would like it to allow scooters to park along the curbside of sidewalks and to slightly edit number nine on the ordinance.

Discussion and questions took place regarding why the scooters can't be parked in a parking spot and safety concerns with parking scooters on sidewalks.

Councilor Romero made a motion to approve the publication of Ordinance No. 21-14 with no deployment zones at liquor establishments, enough clearance on sidewalks for handicap and pedestrians to walk and to be compliant with state laws in reference to riding on the road. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	Michael L. Montoya	Yes
David G. Romero	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

7. Request approval of the Lodgers Tax recommendation to provide funding to the Citizens Committee on Historic Preservation (CCHP) to fund the Solar Challenge Event and for CCHP to commit to contract requirements for the collection of data.

Community Development Director Hendrickson advised funding would be for the solar challenge event.

Councilor Montoya made a motion to approve the Lodgers Tax recommendation to provide funding to the Citizens Committee on Historic Preservation (CCHP) to fund the Solar Challenge Event and for CCHP to commit to contract requirements for the collection of data. Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri Jr.	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.



8. Request approval of the Lodgers Tax recommendation to provide funding to the Citizens Committee on Historic Preservation (CCHP) to fund the NM Cruise Event and for CCHP to commit to contract requirements for the collection of data and event results.

Community Development Director Hendrickson advised NM Cruise would be coming in August and monies would be used to promote the cruise event.

Councilor Montoya asked for a report to see how the monies were spent, how many people came to the event and how many stayed at hotels.

Councilor Romero made a motion to approve the Lodgers Tax recommendation to provide funding to the Citizens Committee on Historic Preservation (CCHP) to fund the NM Cruise Event and for CCHP to commit to contract requirements for the collection of data and event results. Councilor Ulibarri., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

9. Request approval of the Lodgers Tax recommendation to provide funding to the Citizens Committee on Historic Preservation (CCHP) to develop and identify Santa Fe Trail maps, historical markers and sites and for CCHP to commit to contract requirements for reporting the results or projections of the research.

Councilor Romero made a motion to approve the Lodgers Tax recommendation to provide funding to the Citizens Committee on Historic Preservation (CCHP) to develop and identify Santa Fe Trail maps, historical markers and sites and for CCHP to commit to contract requirements for reporting the results or projections of the research. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri Jr.	Yes	Elaine Rodriquez	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

10. Request approval of the Lodgers Tax recommendation to provide funding for the FY22 NM Tourism Department NM True Campaign.

Multimedia Coordinator Virginia Marrujo introduced Marketing Committee Chairwoman Margaret Segura. Multimedia Coordinator Marrujo and Lodgers Tax Board Chairman Krutik Bhakta spoke about funding for FY22 NM True Campaign and how helpful NM True Campaign has been.

Councilor Romero made a motion to approve the Lodgers Tax recommendation to provide funding for the FY22 NM Tourism Department NM True Campaign. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	Michael L. Montoya	Yes
David G. Romero	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

Councilor Montoya requested that the approval application be included in the packet from Lodgers Tax when an item is taken to council.

11. Request approval of Resolution No. 21-24 a budget adjustment for the 2020-2021 Fiscal year.

Finance Director Baquera advised the budget adjustment request was for the fiscal year 2021 budget for the Police Department to be used on training and equipment.

Mayor Trujillo asked if it was taken to the Finance Committee.

Councilor Montoya advised it was not reviewed by the Finance Committee due to the dates the meetings are scheduled.

Councilor Montoya made a motion to approve resolution No. 21-24, a budget adjustment for the 2020-2021 Fiscal year. Councilor Romero seconded the motion.

Resolution 21-24 was presented as follows:

**CITY OF LAS VEGAS, NEW MEXICO**

**Resolution No. 21-24**

**A RESOLUTION TO MAKE BUDGET ADJUSTMENT FOR THE 2020-2021 FISCAL YEAR**

**WHEREAS**, the Governing Body of Las Vegas has developed a budget adjustment request for fiscal year 2020-21; and

**WHEREAS**, said budget was developed on basis of increases in revenues, expenditures and transfer (in) out through cooperation with all user departments, elected officials and other department supervisors. Please see attached schedule: and,

**WHEREAS**, the City of Las Vegas is in need of making a budget adjustment in the 2020-2021 fiscal Year budget to include a revenue and expense increase to Fund 215 Local Law Enforcement NM 29-13-5 in the amount of \$37,400.00, Fund 241 Seizure funds in the amount of \$67,075.00 and a transfer from Fund 216 Streets to fund 214 Streets Coop. in the amount of \$103,750.00: and,

**WHEREAS**, the Governing Body finds that the budget adjustment request should be as it meets the requirements as currently determined for fiscal year 2020-21, and,

**NOW, THEREFORE BE IT RESOLVED** the City Council of the City of Las Vegas, that the recitals and any exhibits are incorporated herein by reference and the Governing Body hereby approves the aforementioned budget adjustment request and respectfully request approval from the Local Governing Division of the Department of Finance and Administration.

ACCEPTED AND APPROVED this day of June 2021.

\_\_\_\_\_  
Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

\_\_\_\_\_  
Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.



12. Request approval to award BTU Do it Center the Public Works/Utilities Maintenance Inventory Supplies bid.

Public Works Manager Danny Gurule advised with an open PO they could purchase inventory supplies with a bid amount.

Councilor Romero asked if there was an RFB process. Public Works Manager stated that there was a request for bids process.

Councilor Romero made a motion to approve the award to BTU Do it Center the Public Works/Utilities Maintenance Inventory Supplies bid. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

13. Request approval of Resolution No. 21-26 A resolution establishing reasonable notice of City Council Meetings in compliance with the Open Meetings Act (OMA).

City Clerk Fresquez advised every year the open meetings act required council to approve a resolution with a list of all meetings and only listed the Boards, Commissions and Committees that were subject to the open meetings act and would be effective July 1st.

Councilor Montoya asked for all chairmans to be in compliance.

Councilor Romero asked if all Boards, Commissions and Committees would still be livestreamed on Youtube. City Clerk Fresquez advised that they would as per the Council's directive.

Councilor Montoya made a motion to approve resolution No. 21-26, a resolution establishing reasonable notice of City Council Meetings in compliance with the Open Meetings Act (OMA). Councilor Rodriquez seconded the motion.

Resolution 21-26 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO



## **Resolution No. 21-26**

### **A RESOLUTION ESTABLISHING REASONABLE NOTICE OF CITY COUNCIL MEETINGS IN COMPLIANCE WITH THE OPEN MEETINGS ACT; REPEALS AND REPLACES ALL PREVIOUS CITY OF LAS VEGAS RESOLUTIONS REGARDING "REASONABLE NOTICE OF CITY COUNCIL MEETINGS IN COMPLIANCE WITH THE OPEN MEETINGS ACT."**

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) provides that, except as may be otherwise provided in the New Mexico Constitution or the provisions of the Open Meetings Act, all meetings or a quorum of members of any board, council, commission, administrative adjudicatory body or other policy-making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority of a quorum of the body is in attendance, and any closed meeting shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1 (D) of the Open Meetings Act requires the City council to determine at least annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are incorporated herein by reference and the Governing Body authorizes and approves the following:

1. Regular Business Meeting. Pursuant to Article II, Section 2.07 (B) of the City of Las Vegas Municipal Charter, all Regular Business Meetings of the Las Vegas City Council shall be held on the second and third Wednesday of each month at 5:30 p.m. at the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico. The agenda will be available at least seventy-two hours prior to the meetings from the City Clerk whose office is located at the George Arellanes Municipal Complex, 1700 North Grand Avenue, Las Vegas, New Mexico. Notice of said meetings will be posted on the City's website, [www.lasvegasnm.gov](http://www.lasvegasnm.gov) and shall be printed in a newspaper(s) of general circulation one (1) time, at the beginning of the fiscal year; and shall be telephoned, e-mailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice. If a regular meeting is postponed, notice of the new time and date of said meeting may be printed in a newspaper(s) of general circulation; and shall be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice at least seventy-two hours to the specific time of the meeting or at the earliest date and time possible. If the date and time of the Regular meeting permanently changed, the new date and time shall be printed in a newspaper(s) of general circulation twice, one (1) week apart.

2. Other Meetings Not Regularly Scheduled. Special meetings may be called by the Mayor or a majority of the members of the City Council by giving notice to each member of the Council, personally served or left at his/her usual place of residence seventy-two hours prior to the meeting. Notice of said special meeting will be posted on the City's website, [www.lasvegasnm.gov](http://www.lasvegasnm.gov) and may be printed in a newspaper(s) of general circulation at least seventy-two hours before the meeting date or on the earliest date possible prior to the date of the meeting. Notice of said special meeting shall be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such

notice for public announcement at least seventy-two hours prior to the specific time of the meeting or on the earliest date possible prior to the time of the meeting.

3. Emergency Meetings. Emergency meetings shall be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The City Council will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the members upon notice as practical under the circumstances. If time permits, notice of said meeting may be printed in a newspaper(s) of general circulation on the earliest date possible as soon as the meeting is called. If time permits, notice of said meeting shall also be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice for public announcements on the earliest date and time possible prior to the time of the meeting. The notice for emergency meetings will be posted on the City's website, [www.lasvegasnm.gov](http://www.lasvegasnm.gov) and shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

4. All notices shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two hours before any meeting or at the earliest possible time in case of emergency meetings. The City Council may be flexible on agenda postings under considerable circumstances.

5. The City Council may close a meeting to the public if the subject matter of such discussion or action is exempt from the open meetings requirement pursuant to NMSA Section 10-15-1(H) of the Open Meetings Act.

a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the City Council taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

b. If a closed meeting is conducted when the City Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.

c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

d. Except as provided in NMSA Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by vote of the City Council in an open meeting.

6. All notices shall also contain the following language: If you are an individual with a disability, who is in need of an auxiliary aid or service to attend or participate in a meeting, please contact the City Clerk at (505) 454-1401 at least one week in advance.

7. The regular scheduled meetings of the City of Las Vegas' Permanent Boards and Commissions, Advisory Boards and Committees subject to the Open Meetings Act are as follows:



Ø Planning & Zoning Commission/Board of Adjustments - Last Monday of the month at 4:00 p.m. - City Council Chambers;

Ø Design Review Board - Third Monday of the month at 4:00 p.m. - City Council Chambers;

Ø Lodger's Tax Advisory Board - (Quarterly), (January , April , July, October) Second Tuesday of the month at 2:00p .m. - City Council Chambers;

Ø Police Advisory Commission - Third Thursday of the month at 3:00 p.m.City Council Chambers;

Ø Extra-Territorial Zoning Commission - Third Tuesday of the month at 4:00 p.m. - City Council Chambers; (will meet once appointed)

Ø Campaign and Ethics Board -Last Thursday of the Month at 5:30p.m.- City Council Chambers; (will meet once appointed)

Ø Library Board - (Quarterly), (January , April, July, October) Last Tuesday of the month at 10:00 a.m.-City Council Chambers;

Ø Museum Board - (Quarterly), (February, May , August, November) Second Thursday of the month at 12:00 p.m. - City Council Chambers;

Ø Airport Board – (Quarterly), (January, April, July, October) Second Tuesday of the Month at 10:00 a.m. – City Council Chambers;

Ø Charter Commission - First Thursday of the Month at 1 :30 p.m. - City Council Chambers;

8. This resolution repeals and replaces all previous City resolutions regarding notice of public meetings for the City's Council, Boards, Commissions and Committees. Nothing in this resolution shall be construed, or is intended to be construed, to impose additional obligations upon any City Board, Commission or Committee regarding the Open Meetings Act, as all City Boards, Commissions and Committees are strictly advisory.

This Resolution shall be published in a newspaper(s) of general circulation twice, one (1) week apart after its adoption.

APPROVED AND ADOPTED this 9<sup>th</sup> day of June 2021.

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Louie A. Trujillo, Mayor

ATTEST:

Reviewed and approved as to legal sufficiency only:

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Casandra Fresquez, City Clerk

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Scott Aaron, City Attorney

Publish: Las Vegas Optic – Wednesday, June 16, 2021 and June 23, 2021

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

14. Request approval to confirm the appointment of Leo Maestas as City Manager for the City of Las Vegas and enter into a professional contract.

Mayor Trujillo advised he had the opportunity to work with Leo Maestas and observed key managerial skills during the pandemic.

Councilor Rodriquez asked for Mr. Maestas to talk about his education and experience.

Mr. Maestas advised he spent a year at New Mexico Highlands University from 1999-2000, he went on to University of New Mexico for a year and then started working in the trades field industry for eight years until the economy declined. Mr. Maestas went back to school to finish his associates in Construction Technology and Management, he worked for Biomedical Research in Albuquerque and then moved back to Las Vegas to help the community move forward.

Councilor Rodriquez voiced concerns from citizens asking why the position wasn't open to the public.

Councilor Montoya thanked Mayor Trujillo for his recommendation and asked if approved when Mr. Maestas start date would be and if Mr. Maestas was in agreement with his compensation in the contract.

Mr. Maestas advised there had been no discussion regarding his compensation and hadn't seen his contract.

### **EXECUTIVE SESSION**

Councilor Montoya made a motion to convene into executive session for the purpose of discussing limited personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.



Councilor Romero made a motion to exit executive session and reconvene into regular session after being in executive session for the purpose of discussing limited personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978 and only those matters were discussed. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes
David G. Romero	Yes	Michael L. Montoya	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero made a motion to approve the appointment of Leo Maestas as City Manager for the City of Las Vegas. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Elaine Rodriquez	Yes
David A. Ulibarri Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero requested bringing Leo Maestas' contract for approval back to council for the June 16, 2021 meeting.

Mr. Maestas thanked Mayor and Council for recognizing the leadership and advised he is prepared to hit the ground running, have a smooth transition and will keep moving the City forward.

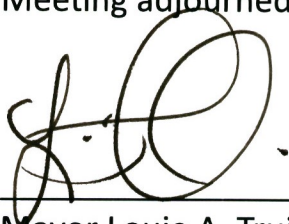
## **ADJOURN**

Councilor Montoya made a motion to adjourn. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

Meeting adjourned at 8:54 pm.



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Mayor Louie A. Trujillo

ATTEST:



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Casandra Fresquez, City Clerk